

## **IC 27-8-9**

### **Chapter 9. Primary Motor Vehicle Insurance Coverage**

#### **IC 27-8-9-1 Repealed**

*(Repealed by P.L.261-1983, SEC.6.)*

#### **IC 27-8-9-2**

##### **Repealed**

*(Repealed by P.L.261-1983, SEC.6.)*

#### **IC 27-8-9-3**

##### **Repealed**

*(Repealed by P.L.261-1983, SEC.6.)*

#### **IC 27-8-9-4**

##### **Repealed**

*(Repealed by P.L.261-1983, SEC.6.)*

#### **IC 27-8-9-5**

##### **Application of chapter**

Sec. 5. This chapter applies only to policies affording motor vehicle insurance coverage that are issued or renewed after August 31, 1983.

*As added by Acts 1980, P.L.174, SEC.1. Amended by P.L.261-1983, SEC.1; P.L.226-1993, SEC.2.*

#### **IC 27-8-9-6**

##### **Definitions**

Sec. 6. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Garage liability policy" refers to any motor vehicle liability insurance policy that affords coverage to a named insured engaged in the business of selling, leasing, repairing, servicing, delivering, testing, road testing, parking, or storing motor vehicles, but does not refer to a motor vehicle liability insurance policy that affords coverage to a vehicle used in the business of transporting property for hire.

(c) "Motor vehicle insurance coverage" means any type of insurance coverage described in IC 27-1-5-1, Class 2(f).

(d) "Permittee" means any person who is granted permission to operate a motor vehicle by the owner of the motor vehicle.

*As added by P.L.261-1983, SEC.2. Amended by P.L.81-1991, SEC.11; P.L.226-1993, SEC.3.*

#### **IC 27-8-9-7**

##### **Use of motor vehicle by permittee**

Sec. 7. (a) This section does not apply to cases covered by section 10 or 11 of this chapter.

(b) In any case arising from a permittee's use of a motor vehicle for which the owner of the vehicle has motor vehicle insurance

coverage, the owner's motor vehicle insurance coverage is considered primary if both of the following apply:

(1) The vehicle, at the time damage occurred, was operated with the permission of the owner of the motor vehicle.

(2) The use was within the scope of the permission granted.

(c) The permittee may not recover under any other motor vehicle insurance coverage available to the permittee until the limit of all coverage provided by the owner's policy is first exhausted.

*As added by P.L.261-1983, SEC.3. Amended by P.L.226-1993, SEC.4.*

#### **IC 27-8-9-8**

##### **Repealed**

*(Repealed by P.L.226-1993, SEC.8.)*

#### **IC 27-8-9-9**

##### **Leased motor vehicles; leased vehicles used in transportation for hire**

Sec. 9. (a) When a claim arises from the operation of a motor vehicle leased under a written lease agreement, if under the agreement the lessee agrees to provide coverage for damage resulting from his operation of the vehicle, then the motor vehicle insurance coverage of the lessee is primary. No claim may be made against any coverage available for the vehicle by the lessor until the limits of the motor vehicle insurance coverage provided by the lessee for the vehicle are exhausted.

(b) When a claim arises from the operation of a motor vehicle that is used in the business of transporting property for hire and leased under a written lease agreement, if under the agreement the lessor and lessee agree as to which coverage of the parties' motor vehicle insurance is primary coverage, then the policy of insurance providing that coverage is primary and no claim may be made against any other coverage for the vehicle until the limits of that policy are exhausted.

*As added by P.L.261-1983, SEC.5. Amended by P.L.81-1991, SEC.12; P.L.226-1993, SEC.5.*

#### **IC 27-8-9-10**

##### **Garage liability policy as owner's only coverage; permittee's coverage primary**

Sec. 10. (a) This section applies if the only motor vehicle insurance coverage provided by the owner of the motor vehicle is under a garage liability policy.

(b) Notwithstanding section 7 of this chapter, any coverage available to the permittee is primary.

(c) Recovery may not be made under the garage liability policy until the limits of all coverage available to the permittee have been exhausted.

*As added by P.L.226-1993, SEC.6.*

#### **IC 27-8-9-11**

**Bailee's coverage primary**

Sec. 11. (a) This section applies to a motor vehicle while under the control of either of the following:

(1) A bailee.

(2) An agent or employee of a bailee.

(b) As used in this section, "bailee" refers only to a person who is in the business of storing, parking, servicing, or repairing vehicles.

(c) Notwithstanding section 7 of this chapter, any coverage available to the bailee is primary.

(d) Recovery may not be made under the vehicle owner's policy until the limits of all motor vehicle insurance coverage available to the bailee have been exhausted.

*As added by P.L.226-1993, SEC.7.*